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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SEYFARTH SHAW LLP 131 S. DEARBORN ST., SUITE 2400 CHICAGO, IL 60603-5803			EXAMINER AGWUMEZIE, CHARLES C	
			ART UNIT 3685	PAPER NUMBER
			MAIL DATE 08/02/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/069,710

Applicant(s)

DEAKER ET AL.

Examiner

CHARLES C. AGWUMEZIE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 79-82 and 85-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 79-82 and 85-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB06)
Paper No(s)/Mail Date 02/27/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgments

1. Applicants' amendment filed on October 6, 2009 is acknowledged. Accordingly claims 79-82 and 85-96 remain pending and have been examined.

Response to Arguments

2. Applicant's arguments with respect to claims 79-82 and 85-96 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 95 is objected to because of the following informalities: Claim 95 depends on itself. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 79-82, and 85-96, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al U.S. Patent No. 6,138,106 in view of Scroggle et al (hereinafter "Scroggle") U.S. Patent No. 6,014,634.

6. As per claims 79, 89 and 90, Walker et al discloses a payment method comprising:

receiving an order from a customer for a prepaid voucher (see fig. 7A, *which discloses receive request to purchase gift code and amount of money to be credited to gift code record step 126*);

said order specifying a selected one of a plurality of subscriber retailer;

said pre-paid voucher including voucher information identifying the selected subscriber retailer;

receiving payment from said customer for said prepaid voucher via a computer network (see fig. 7B, *which discloses transmit credit card number and amount of money to be credited to transaction processing network/credit card processor for gift code authorization*);

generating said prepaid voucher in response to receiving said order and said payment (see fig. 7A, *which discloses generate gift code step 128; store requested value in gift code record step 130*)

generating a token associated with said prepaid voucher (see fig. 7A, *which discloses generate gift code step 128; generate and transmit ID code to buyer step 122*);

associating said token with said prepaid voucher in a database (see fig. 7B, *which discloses flag gift certificate record as prepaid and store authorization code step 144*);

receiving a request for validation of said prepaid voucher from a redemption point, said request including said token (col. 8, lines 40-55, *which discloses the process starting (step 162) with central controller 12 receiving a gift certificate code (step 163) via a transmission from a redeemer operating the buyer/redeemer interface 16 via the Internet*); and

comparing said token in the request against the token associated with the prepaid voucher in the database (col. 11, lines 30-45, *which discloses If the status field 80 indicates that the record has been filled, i.e. that the gift certificate code has been redeemed, the record is left unchanged, and the next record is examined (steps 216, 220). If the status indicates the record is pending, i.e. that the gift certificate code has not been redeemed*).

7. What Walker does not explicitly teach is

said order specifying a selected one of a plurality of subscriber retailer;

said pre-paid voucher including voucher information identifying the selected subscriber retailer

8. Scroggle discloses

said order specifying a selected one of a plurality of subscriber retailer (*see fig. 11, which discloses redeemable only at Ralphs; see col. 1, line 45-col. 2, line 5, which discloses For security reasons, the transmitted incentive may be encoded with the identity of the retailer selected by the customer, and preferably also contains a customer identification code*);

said pre-paid voucher including voucher information identifying the selected subscriber retailer (*see fig. 11, which discloses redeemable only at Ralphs; see col. 1, line 45-col. 2, line 5, which discloses that :for security reasons, the transmitted incentive may be encoded with the identity of the retailer selected by the customer, and preferably also contains a customer identification code*);

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate a payment method comprising said order specifying a selected one of a plurality of subscriber retailer;said pre-paid voucher including voucher information identifying the selected subscriber retailer in view of the teachings of Scroggle in order to ensure adequate security

9. As per claim 80, Walker further discloses the payment method, further comprising:

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providing a validation of said prepaid voucher to said redemption point in response to a positive result of said comparison (col. 8, lines 40-55; col. 11, lines 30-45).

10. As per claim 81, Walker further discloses the method, further comprising:

receiving a notification of use of said voucher from said redemption point in response to providing said validation (col. 11, lines 30-45); and

indicating a redemption of said prepaid voucher in said database in response to receiving said notification of use (col. 11, lines 30-45).

11. As per claim 82, Walker further discloses the method, further comprising:

said order being received from said customer via the a computer network (col. 8, lines 40-55).

12. As per claims 85 and 95, Walker failed to explicitly disclose the method, wherein said generating said prepaid voucher includes providing fields of an image of a retail gift voucher including voucher information identifying said selected subscriber.

Scroggle discloses the method, wherein said generating said prepaid voucher includes providing fields of an image of a retail gift voucher including voucher information identifying said selected subscriber (see fig. 11, which discloses redeemable only at Ralphs)

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate a method comprising said generating said prepaid voucher includes providing fields of an image of a retail gift voucher including voucher information identifying said selected subscriber in view of the teachings of Scroggle in order to ensure security

13. As per claim 86, Walker further discloses the method, further comprising:
delivering said prepaid voucher to a recipient via postal service (col. 8, lines 10-25).
14. As per claim 87, Walker further discloses the method, further comprising:
delivering said prepaid voucher to said recipient via electronic mail (fig. 7A).
15. As per claim 88, Walker failed to explicitly disclose the method, wherein said token comprises a randomly generated token.

Scroggle discloses the method, wherein said token comprises a randomly generated token (col. 11, lines 10-45).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate a method wherein said token comprises a randomly generated token in view of the teachings of Scroggle in order to ensure security

16. As per claim 91, Walker further discloses the system, further comprising:
said redemption system configured to cause said used/unused status to indicate use of said voucher in response to said inquiry (col. 11, lines 30-45).
17. As per claim 92, Walker further discloses the system, further comprising:
said inquiry descriptive of a partial use of said voucher (see fig. 5); and
said redemption system configured to indicate said partial use of said voucher in response to said inquiry (see fig. 5).
18. As per claim 93, Walker further discloses the system, further comprising:
a payment system in communication with said network, said payment system configured to approve said payment (see fig. 7A-C).
19. As per claim 94, Walker failed to explicitly disclose the system, further comprising:
said at least one database including voucher image data for said voucher; and
said website configured to cause generation of a voucher image associated with said voucher in accordance with said voucher image data.
Scroggle discloses the system, further comprising:
said at least one database including voucher image data for said voucher; and
said website configured to cause generation of a voucher image associated with said

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voucher in accordance with said voucher image data (see fig. 11; see abstract; col. 2, lines 55-65)

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate a system comprising said at least one database including voucher image data for said voucher; and said website configured to cause generation of a voucher image associated with said voucher in accordance with said voucher image data in view of the teachings of Scroggle in order to ensure adequate security

20. As per claim 95, Walker failed to explicitly disclose the system, further comprising:

said voucher image is associated with each of said plurality of subscribing retailers.

Scroggle discloses the system, further comprising:

said voucher image is associated with each of said plurality of subscribing retailers (see fig. 11; col. 10, lines 25-60; col. 11, lines 10-45).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate a system comprising said voucher image is associated with each of said plurality of subscribing retailers in view of the teachings of Scroggle in order to ensure security

21. As per claim 96, Walker further discloses the system, further comprising:

said website configured to receive a beneficiary designation for said voucher from said customer and to cause delivery of said voucher to said beneficiary (see fig. 6, which shows names of beneficiaries).

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on **(571) 272 – 6779**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/
Primary Examiner, Art Unit 3685
July 29, 2010